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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,126	06/27/2001	Jan Juriga	AT000036	4889

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EXAMINER

SORKIN, DAVID L

ART UNIT	PAPER NUMBER
1723	6

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/893,126	JURIGA ET AL.
Examiner	Art Unit	
David L. Sorkin	1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 January 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Specification

1. Reference to specific claim numbers in the specification, such as that on page 3, line 20, should not be made because the claims may be renumbered or amended.
2. On page 9, line 26, "123" apparently should read -- 116 --.
3. On page 10, line 6, "19 and 11" apparently should read -- 10 and 11 --
4. On page 10, line 8, "11 and 11" apparently should read -- 10 and 11 --.
5. Appropriate headings should be inserted into the specification, such as "BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING", etc. See 37 CFR 1.77(c).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Claims 1 and 7 are rendered indefinite by the phrase "can be actuated with the aid of a first switching handle (20)", because it is unclear if the first switching handle is a required element of the claimed structures.
9. Claims 1 and 7 are rendered indefinite by the phrase "can be actuated with the aid of a second switching handle (24)", because it is unclear if the first switching handle is a required element of the claimed structures.

10. In claim 3 and 9, there is lack of antecedent basis for "the motor terminals".
11. Claims 7-12 are generally confusing due to numerous references to elements which are apparently not part of the claimed "switching means configuration". More specifically, it is unclear whether some of the referenced elements are or are not being claimed. For example in the first two lines of claim 7, "for a hand-held mixer, which hand-held mixer has two mains terminals", which implies that the mixer including the terminal are not being claimed; however, later statements such as "the two mains terminals...are connected mechanically and electrically to this module" implies that the two mains terminals are being claimed. Likewise it is unclear whether the "interference suppression means" are being claimed. It must be clear for each element mentioned in the claims whether the element is part of the claimed structure or merely discussed regarding an intended use.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Jepson (US 2,703,381). Regarding claims 1 and 7, Jepson ('381) disclose a hand mixer having two main terminal which serve for the connection to an a.c. mains, having interference suppression means connected to the terminals (see col. 5, lines 79-82), and having a motor (22), which serves for driving mixing tools (see col. 3, lines 20-25)

and which can be brought into electrically conductive contact with the two main terminals and which is adapted to be energized from an a.c. mains and which is adapted to effect driving with at least two lower speeds and with a speed which is higher than the lower speeds (see col. 11, lines 22-25), and having a switching means configuration which includes speed switching means (87) for switching to different lower speed values, which and which includes start means (86) for starting the motor at the high speed, characterized in that the two mains terminal and the speed switching means and the start means are connected mechanically and electrically to form a module and all the electrical connections between the two main terminals and the speed switching means and the start means are realized on the module (see Fig. 14).

Regarding claims 2 and 8, the interference suppression means are also connected mechanically and electrically to the module (see Fig. 14). Regarding claims 3 and 9, connecting leads are fixedly connected to the module and have free ends arranged to be connected to the motor terminals (see Fig. 14).

Allowable Subject Matter

14. Claims 4-6 and 10-12 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph (with positive recitation of all the elements discussed above regarding section 112), and to include all of the limitations of the base claim and any intervening claims.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 703-308-1121. The examiner can normally be reached on 8:00 -5:30 Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


David Sorkin

November 15, 2002



CHARLES E. COOLEY
PRIMARY EXAMINER